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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/650,388 08/29/00 COSLOVI

I 5699-15

EXAMINER

021324
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PM82/0507

JULES, F.
ART UNIT

PAPER NUMBER

3617
DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/650,388

Applicant(s)

COSLOVI ET AL.

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 20) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claim 29 is objected to because of the following informalities:

In claim 29, line 2, the word "tow" should be --two--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 6, the word "vehicles" is confusing as it is a double recitation of vehicles recited above. It is suggested that the word --the-- be placed in front of the word vehicles in claim 3, line 6. Similar confusing term exists in claim 13, line 5.

Claim 4 recites the limitation "the set of fittings" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

In claim 4, line 4, the phrase "a pivot pin" is confusing as it is unclear how it relates to previously recited a pivot pin above.

In claim 4, line 4, the phrase "a collar" is confusing as it is unclear how it relates to previously recited a collar above.

In claim 13, lines 9-10, the recitation of "said first fitting mounted to connect a first end of said beam to the first rail road car " is unclear because such a recitation is inconsistent

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with the preamble. The applicant should clarify what subject matter the claim is drawn to, i.e. either the sub-combination of the bridge plate along or the combination of the bridge plate and the first rail road car. The examiner is considering the claim to be a combination claim. Applicant should amend the claim(s) accordingly. Similar combination/sub-combination problem exists in claim 13, lines 13-14, with the recitation of "said second fitting mounted to connect a second end of said beam to the second rail road car", claim 20, line 3, with the recitation of "a first pivot fitting mountable to the first railroad car", claim 24, lines 4-5, with the recitation of "said first pivot pin being mountable to the first railroad car", claim 24, lines 6-7, with the recitation of "said second pivot pin being mountable to the second railroad car"

In claim 20, Lines 6-7, the phrase "said second fitting including a linear extension member" is confusing as the bridge plate only shows a slot in the end without showing additional structure.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 13, 19-20, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Black, Jr et al.

Claims 1-2, 13, 19-20, 24

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Black, Jr et al teach all the limitations of claims 1-2, 13, 19-20, 24 by showing in figs. 5-9, a railroad car bridge plate comprising a beam (32) of sufficient length to span a gap between a pair of adjacent railroad cars (22a, 22b), said beam having an upwardly facing track surface for vehicles to ride on, said beam (32) having pivot fittings (102a, 102b) and linear extension member (106b) permitting variation in distance between the first and second railroad cars (22a, 22b). The beam comprising low friction friction plastic pad mounted underneath, see abstract section, column 2, lines 50-64.

6. Claims 1-3, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith.

Claims 1-3, 5-7

Smith teaches all the limitations of claims 1-3, 5-7 by showing in figs 1-4, a railroad car bridge plate comprising a beam (6) of sufficient length to span a gap between a pair of adjacent railroad cars (see column 1, lines 30-35), said beam (6) having an upwardly facing track surface for vehicles to ride on, said beam (6) having pivot fittings (16) to permit movement in a cross-wise orientation relative to the railroad car.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-10, 12-15, 17-18, 21-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al in view of Black Jr et al and Thompson.

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Claims 3-10, 12-15, 17-18, 21-23, 25

Bell et al teach all the limitations of claims 3-10, 12-15, 17-18, 21-23, 25 except for a railroad car bridge plate having fittings made of a pivot pin engageable in a collar at either one end or both ends including a hand grab. Black Jr et al teach the use of fittings made of a pivot pin engageable in a collar in a the pivot plate assembly of two railroad cars, see figs. 5-9, abstract section, columns 1-2, lines 1-67. Thompson teaches the use of hand grab in a bridge plate assembly, see fig. 1. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bell et al to include the use of fittings made of a pivot pin engageable in a collar in either one end or both ends of his advantageous bridge plate in order to reduce the risk of failure in the plate at the pivot point thereby reducing maintenance cost of the system. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bell et al to include the use of a hand grab in his advantageous bridge plate as taught by Thompson in order to facilitate handling of the bridge plate while reducing the risk of damage to train operators.

9. Claim 11, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al in view of Black Jr et al and Thompson as applied to claims 3-10, 12-15, 17-18, 21-23, 25 above, and further in view of Larson et al.

Claims 11, 16

Bell et al, Black Jr et al, and Thompson teach all the limitations of claims 11, 16 except for a bridge plate having a second end with a bifurcated toe. Larson et al teaches the use of a bifurcated toe in the second end of a bridge plate, see figs. 5. it would have

been obvious to one of ordinary skill in the art at the time of the invention to modify Bell et al to include the use of a bifurcated toe in his advantageous bridge plate as taught by Larson et al in order to reduce stress concentration at the end of the bridge plate thereby increasing the service life of the bridge plate.

10. Claims 4, 9-10, 12-15, 17-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Black Jr et al and Thompson.

Claims 3-10, 12-15, 17-18, 21-23, 25

Smith teaches all the limitations of claims 4, 9-10, 12-15, 17-29 except for a railroad car bridge plate having first and second fittings made of a pivot pin engageable in a collar at either one end or both ends of the plate having a slot for the pin engagement including a hand grab. Black Jr et al teach the use of first and second fittings made of a pivot pin engageable in a collar at either one end or both ends of the plate having a slot for the pin engagement of two railroad cars, see figs. 5-9, abstract section, columns 1-2, lines 1-67. Thompson teaches the use of hand grab in a bridge plate assembly, see fig. 1. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the use of first and second fittings made of a pivot pin engageable in a collar at either one end or both ends of the plate having a slot for the pin engagement in his advantageous bridge plate as taught by Black Jr et al in order to reduce the risk of failure in the plate at the pivot point while facilitating movement of the joint thereby reducing maintenance cost of the system. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the use of a hand grab in his advantageous bridge plate as taught by Thompson

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in order to facilitate handling of the bridge plate while reducing the risk of damage to train operators.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pezier, Pickles are cited to show related pivot structures for bridge plates having a pivot pin engageable in a collar.

Douglas, Elder, Roels, and Shannon are cited to show related bridge plate for railroad cars having pivot system made of a collar and pin.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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Frantz F. Jules
Examiner
Art Unit 3617

FFJ

May 1, 2001

A handwritten signature in black ink, appearing to read 'S. Morano', with a long horizontal flourish extending to the right.

S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600